



**Testimony of**

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**Reforming HAZMAT Trucking Security**

**Submitted to the  
House Committee on Homeland Security  
Subcommittee on Economic Security, Infrastructure  
Protection, and Cybersecurity**

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Good afternoon, Chairman, and distinguished Members of the House Subcommittee on Economic Security, Infrastructure Protection, and Cybersecurity. My name is Linda Lewis-Pickett, and I serve as the President and CEO of the American Association of Motor Vehicle Administrators. Thank you for the opportunity to testify on behalf of AAMVA to discuss reforming the hazardous materials endorsement (HME) background record checks (BRC) program administered by the Transportation Security Administration (TSA).

### ***AAMVA Background***

Founded in 1933, AAMVA is a state-based, non-profit association representing motor vehicle agency administrators, senior law enforcement officials and industry in the United States and Canada. Our members are the recognized experts who administer the laws governing motor vehicle operation, driver credentialing, and highway safety enforcement. AAMVA plays an integral role in the development, deployment and monitoring of both the commercial driver's license (CDL) and motor carrier safety programs. The Association's members are responsible for administering these programs at the state and provincial levels. As a non-regulatory organization, AAMVA uses membership expertise to develop standards, specifications and best practices to foster the enhancement of driver licensing administration

Today, I will:

- Discuss the impacts of a “two-tier” credentialing system on state DMVs,
- Cite our outstanding concerns and unresolved problems with TSA practices in administering the CDL-HAZMAT program, and
- Recommend this program be integrated into the Commercial Driver's License Information System (CDLIS) – a clearinghouse and depository of commercial motor vehicle operator licensing, identification and disqualification history

### ***Impact of Two-Tier System***

A “two-tier” credentialing system attempts to differentiate between commercial drivers hauling “very” hazardous materials and those transporting “less” hazardous materials.

Some organizations, working on behalf of hardworking commercial drivers across the nation, have argued for such a change. AAMVA and its member states empathize with the hardships faced by drivers seeking HAZMAT endorsements. However, solving one problem for commercial drivers, by creating a multitude of others for state motor vehicle agencies, creates undue burden without proper consideration of program ramifications.

A “two-tier” system is difficult to implement at the state level because it requires costly and unnecessary DMV system changes to establish additional HAZMAT designations while these agencies are stretching to implement other federal requirements such as the Motor Carrier Safety Improvement Act (MCSIA), the Help America Vote Act (HAVA), REAL-ID and state government mandates. Resources and staff throughout the state agencies have already been stretched thin, and to add a new HAZMAT designation would pull these resources away from the important goals they are already striving to accomplish.

Implementing a two-tier system would also require broad-based training for DMV employees, as well as the revising and republishing of TSA-approved forms and notices. This training requires employees and systems to undergo undue change, and to adjust their business practices accordingly. The effect of revised training could lead to increased customer service wait times.

The need to train personnel would further extend beyond the DMV. First responders, emergency personnel, and safety officials alike would also have to be trained in recognition of proper placards and identification documents for HAZMAT shipments. The revision and republication of TSA forms would require transportation officials to be able to recognize, utilize, and adapt to these new processes.

Suggestions have further included an identifiable “pocket card” that would designate which shipments a driver is certified to transport. AAMVA has concerns that creation of additional identification credentials could provide further loopholes for the unscrupulous to exploit. Document security is one of the primary concerns facing our administrators today as they work to shore up homeland security and deter identity fraud and identity theft. In the past few years, state Departments of Motor Vehicles have made great strides in preventing the proliferation of these crimes. AAMVA also has concerns that if such a credential were created, how would the document effectively tie the shipper of hazardous material to the actual shipment the driver is carrying?

It is premature to consider two separate endorsement designations while failing to resolve outstanding issues. The states are currently working within the confines of a system that is improving, but still developing. Problems in the HAZMAT endorsement program are being identified and resolved. It would be an inappropriate time to complicate matters by adding designations to an already complicated program.

### ***Outstanding Concerns and Unresolved Problems***

TSA has made improvements to the HAZMAT endorsement background record check program since the last Congressional hearing in May 2005. But the agency must move with haste to remedy all programmatic problems. For example:

- In Georgia, commercial drivers are receiving clearance letters **before** TSA notifies the state. Customers who have received their clearance letters come into a DMV expecting to receive their endorsement while agency staff have received no such approval. In order for the agency to resolve this discrepancy, the state must manually verify the clearance with TSA, creating a delay in customer service.
- The State of Montana needs more TSA agents to accommodate the drivers who are traveling distances of up to 200 miles to apply for a threat assessment.
- States like Virginia are spending countless hours contacting other states to verify if a driver transferring from another state and applying for a new state commercial license has truly applied for and received a HAZMAT endorsement in another state.

### ***Improving the Program***

Since 1992, the federal government and the states have partnered to use the Commercial Driver License Information System or CDLIS to manage the commercial driver program. Instead of TSA using this network, states were compelled to cobble together an inefficient, costly and vulnerable procedure for processing, sharing and communicating driver threat assessments.

The simple solution is to integrate the transfer of driver threat assessments from TSA to DMV into the CDLIS modernization project. AAMVA’s proposal allows TSA to use the Gateway

infrastructure it has already developed to seamlessly interface with the State's existing driver license programs. TSA may use the AAMVA Gateway to perform a CDLIS search or verification inquiry transaction on either the front end of the threat assessment process (submission of the application data) or the back end of the threat assessment process (prior to submission of the threat determination). The purpose of the inquiry is to verify that the applicant has been added to both the State's database and the CDLIS central site's database and that the state and driver's license number are correct. Once TSA has validated that this information is correct and that it is entered into both the state and CDLIS systems, TSA may use the Gateway to electronically deliver the threat determination to the States in a manner that is automated and integrated with their existing CDLIS system. The States prefer this option because it searches the CDLIS central site for the current state of record in the event that a license transfer has occurred between the time of application and the time of the report threat determination. If a transfer from one state to another has occurred, then CDLIS notifies both the old and new state of record.

Integration of threat determination into this system could not occur at a more opportune time. Congress has authorized funding for the modernization of CDLIS. As upgrades are being made to the current system, it makes sense to include the capability of transmission of threat determination information to the improvements that will be made.

A complete outline of the proposal of using CDLIS as a solution is detailed in the accompanying attachment.

### ***Recommendations***

To recap, we strongly suggest that the implementation and administration of HAZMAT class endorsements not be separated into two tiers and forced upon the states.

The **only way** a two-tier system is workable is if TSA assumes **all** responsibility for the funding, administration and oversight of this program, as well as the issuance and security of any credentials associated with it.

Second, we urge Congress to require TSA to work with the states to integrate the HAZMAT threat communications function into the CDLIS modernization project, authorized and funded in the Highway Bill. We ask that Congress consider the attached CDLIS modernization project proposal and require TSA to work with the states to integrate the HAZMAT threat communications function.

On behalf of AAMVA and its members, thank you for the opportunity to testify. I've concluded my testimony and welcome any questions from the subcommittee.